

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEANNETTE SOTOMAYOR-VAZQUEZ,

Defendant.

Criminal No. 97-091 (JAF)

O R D E R

We finally reach the November 12, 1999, motion by Attorney Francisco Rebollo-Casalduc, seeking reconsideration of sanctions imposed on May 21, 1998. See Docket Document No. 1031.

The long time elapsed between the filing of the motion and the present resolution obeys to the fact that this case remained active and litigious directly and collaterally until very recent times. It was only prudent not to act until the last stages of this unusual criminal litigation had ended, and the collateral third-party criminal litigation against other actors for obstruction of justice had concluded.

Without hesitation, we can say that Attorney Rebollo-Casalduc's actions in this case never changed our opinion about his good character, moral fitness, and legal abilities. While remaining convinced that he acted motivated by the peer pressure of a jointly-undertaken defense, it is also true that the shock of the sanction

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immediately brought about a reality check that led Mr. Rebollo to admit, as a responsible professional, that other courses of action would have been more prudent.

The original sanctions had to be evenly handed out against those attorneys involved in the conduct the court found objectionable. However, we recognize that Mr. Rebollo was the only one to meet the consequences and seek professional forgiveness from the offended party. Mr. Rebollo, thus, acted like the honest, serious professional he is. Therefore, it is only fair that, after so many years of patiently waiting for this case to conclude, he be duly recognized for what he consistently is, a decent professional in every sense of the word.

The written sanction and censure previously imposed is vacated in recognition of Mr. Rebollo's honesty and courage in dealing with the situation and facts that brought about the original sanction.

IT IS SO ORDERED.

San Juan, Puerto Rico, this 15th day of August, 2005.

S/José Antonio Fusté
JOSE ANTONIO FUSTE
U. S. District Judge

POLICÍA Y TRIBUNALES
EL NUEVO DÍA / jueves, 18 de agosto de 2005



Kourí reclama una reducción mayor

Por Carmen Edith Torres

Ed.ctorres@elnuevodia.com

LA REDUCCIÓN de sentencia que recibió el médico Yamil Kourí por su cooperación con las autoridades federales fue mínima, de apenas unos meses menos en prisión.

Por eso, Kourí subió ante el Primer Circuito de Apelaciones en Boston su caso para que ese foro revise la determinación del juez federal José A. Fusté de bajarle la sentencia tan solo unos meses. Despues de resultar convicto por fraude en el Instituto del Sida de San Juan en

1998, Kourí entró en negociaciones con el Departamento de Justicia federal para revelar la fabricación de prueba, documentos y materiales audiovisuales que se presentaron durante su juicio. A cambio las autoridades federales recomendarán al tribunal una reducción en la sentencia originalmente impuesta a Kourí, de 168 meses en prisión.

Durante varios años, Kourí estuvo cooperando con los federales y llegó a testificar en el juicio contra su ex asesor corporativo Héctor Márquez y el médico Rafael Pagán Santini celebrado en el 2003.

SIN EMBARGO, durante ese juicio fueron evidentes las dificultades de la Fiscalía federal para rehabilitar a Kourí como un testigo creíble, ya que la mayoría de los cargos contra Márquez que dependían del testimonio de Kourí, no fueron creditos por el jurado.

Márquez sólo fue declarado culpable

por un delito de conspiración.

En el juicio de Márquez y Pagán Santini, Kourí dejó entrever que su abogado en el caso del Instituto del Sida, Benny Frankie Cerezo, participó en la fabricación de prueba para el juicio.

Inicialmente, Fusté denegó la petición de Kourí para rebaja de sentencia. Pero, en revisión, el juez solamente redujo la sentencia unos meses -que no pasan de ocho meses-, supo *El Nuevo Día*.

Kourí permanece confinado en una institución en Carolina del Norte.

Precisamente, la fabricación de prueba en el juicio del Instituto del Sida fue la razón por la cual el juez federal Fusté impuso sanciones escritas y monetarias a cuatro abogados en el caso: Cerezo, Joaquín Monserrete Matienzo, Francisco Rebollo Casalduc y Yolanda Collazo.

En una orden emitida esta semana, Fusté dejó sin efecto la sanción únicamente sobre Rebollo Casalduc.

Date vida de soltero.

Tu vida es más sana.





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26 de agosto de 2005

Lic. Joaquín Monserrate-Matienzo
606 Avenida Muñoz Rivera
San Juan, PR 00918-3632

Estimado Juaco:

Recibí tu carta en la que me informas del error que cometió El Nuevo Día en relación a tu actuación profesional en el caso del Instituto del SIDA.

Agradezco que me escribieras haciéndome notar el error, lo que nos permitió, siguiendo la política del periódico, aclararlo el pasado sábado 20 de agosto.

Te acompaña una copia de la aclaración, que como verás se publicó en la página 3 de El Nuevo Día.

Como sabes estamos a tus órdenes. Siempre te recuerdo con mucho afecto.

Cordialmente,

Antonio Luis
Antonio Luis Ferré
Presidente y Editor

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Case No. 97-91

Plaintiff,

vs

YAMIL KOURI-PEREZ, et al.,

Defendants.

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TRANSCRIPT OF PROCEEDINGS

BEFORE THE HONORABLE JOSE A. FUSTE

February 25, 1998

HEARING

RECD.	TO JUDGE:
BY	282

25 FEB 98

1 Dominguez, in response to Ms. Ramos' motion or oral
2 exposition, that you are ready to try this case and you
3 oppose any continuance, is that correct?

4 MS. DOMINGUEZ: The government is ready to try this
5 case. I don't believe that diligent efforts were made to
6 access discovery in this case. I believe that the
7 inventory has been available for months and there was no
8 attempt to go through the inventory when produced. We
9 are back now to the same efforts of reviewing the
10 inventory in order to get the boxes.

11 While Mr. Cerezo just complained of a two week lag
12 that allegedly Mr. Monserrate tried to contact me -- and
13 I don't question Mr. Monserrate's representation because
14 I believe he is an honorable person. I am complaining
15 more a lag of eight months in reviewing the inventory and
16 making some efforts to review the evidence which has been
17 available to counsel. Since it is the first time up for
18 the case at trial and if the Court feels that a limited
19 continuance is in order, I would ask Your Honor that you
20 set strict guidelines of the review process for this
21 evidence. I would object to a long continuance date.

22 THE COURT: Let me think about these things.

23 MR. CEREZO: I would like to revisit -- since I
24 join Mr. Rebollo's motion -- the one that prompted you to
25 instruct the prosecutor to make available the motion.

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

1 UNITED STATES OF AMERICA,

2 Plaintiff,

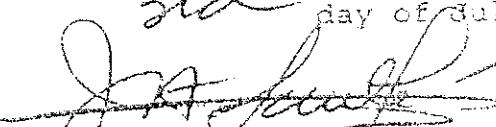
3 * Criminal No. 95-261 (JAF)
4 v.
5 DANIEL PANIAGUA-RAMOS,
6 Defendant.O R D E R

The motion to withdraw as counsel of record, filed as an Informative Motion by Joaquín Monserrate-Matienzo, Esq., on June 23, 1998, Docket Document No. 189, is reluctantly granted.

Mr. Monserrate-Matienzo more than competently represented Mr. Paniagua-Ramos in this matter during the first trial and on appeal and one cannot easily fathom why he withdraws at this critical juncture. The court surmises that this unfortunate development may be connected to the recent imposition of sanctions in Criminal No. 97-091. Irrespective of whether that is so, Mr. Monserrate-Matienzo is reapprised of this court's respect and admiration for his professional abilities and his continued dedication to the cause of criminal defense. The court looks forward to his future participation in other cases.

IT IS SO ORDERED.

San Juan, Puerto Rico, this

3rd day of July, 1998.

JOSE ANTONIO FUSTER
U. S. District Judge